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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE P. KEALOHA (1),
LOUIS M. KEALOHA (2),
DEREK WAYNE HAHN (3), and
MINH-HUNG NGUYEN (4),

Defendants.

Case No. 17CR0582-JMS-RLP

NOTICE OF DISMISSAL OF COUNT 9
OF THE FIRST SUPERSEDING
INDICTMENT

Comes now the UNITED STATES OF AMERICA, by and through its counsel, William P. Barr, United States Attorney General, Robert S. Brewer, Jr., United States Attorney, Michael G. Wheat, Joseph J.M. Orabona, Janaki S. Gandhi, and Colin M. McDonald, Special Attorneys to the Attorney General, and hereby files

its Notice of Dismissal of Count 9 in the First Superseding Indictment, pursuant to Fed. R. Crim. P. 48(a). In support, the United States submits as follows:

1. On October 19, 2017, the grand jury returned an Indictment charging 20 separate counts, and criminal forfeiture, against one or more of the defendants (ECF No. 17). On March 22, 2018, the grand jury returned a First Superseding Indictment alleging the same 20 counts, as well as three additional counts, and adding certain defendants to certain counts (ECF No. 164).

2. On June 1, 2018, the United States filed a Notice of Dismissal of Certain Counts in the First Superseding Indictment (ECF No. 251). On June 4, 2018, this Court issued an Order Dismissing Certain Counts (ECF No. 252). Based on this Order, and the subsequent guilty plea by co-defendant DANIEL SELLERS, the only remaining charges in the First Superseding Indictment are Conspiracy (Count 1 – all defendants), Obstruction of Official Proceeding (Count 2 – all defendants except SHIRAISHI; Counts 3, 6, and 8 – all defendants), and Making False Statements Within the Jurisdiction of the United States (Count 9 – all defendants except SHIRAISHI; Count 10 – all defendants).

3. Jury selection is scheduled to commence on May 13, 2019, and trial is expected to continue for many weeks thereafter. In light of the evidence likely to be introduced against the remaining defendants, and the need to streamline the trial as much as possible, the United States has decided not to pursue the charge contained in Count 9.

4. Accordingly, pursuant to Rule 48(a) and with leave of Court, the United States hereby dismisses without prejudice Count 9 as to defendants KATHERINE KEALOHA (1), LOUIS KEALOHA (2), DEREK HAHN (3), and MINH HUNG-NGUYEN (4), in the interests of justice.

5. Counts 1, 2, 3, 6, 8, and 10 are unaffected by this Notice, and should remain set for trial against the Defendants.

Dated: May 9, 2019

WILLIAM P. BARR
United States Attorney General

ROBERT S. BREWER, JR.
United States Attorney

/s/ Colin M. McDonald
MICHAEL G. WHEAT
JOSEPH J.M. ORABONA
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COLIN M. MCDONALD
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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,
Plaintiff,
v.
KATHERINE P. KEALOHA (1), et al.,
Defendants.

Case No. CR 17-00582-JMS-RLP
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I, Colin M. McDonald, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893.

I am not a party to the above-entitled action. I have caused service of the foregoing on all parties in this case by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2019.

/s/ Colin M. McDonald
COLIN M. MCDONALD